

Special Alert!

FUNDING FOR CHILDREN UNDER THE AGE OF FIVE

GREAT NEWS FOR MONTANA'S PUBLIC SCHOOLS MTSBA AND OPI COLLABORATE ON A MODEL POLICY FOR ENROLLMENT AND FUNDING OF CHILDREN UNDER THE AGE OF FIVE WHEN EXCEPTIONAL CIRCUMSTANCES EXIST

MTSBA is thrilled to announce that, in collaboration with OPI, we have developed a model policy (Policy 3100) --Student Enrollment, Exceptional Circumstances Meriting Waiver of Age Requirements for Pupils. This model policy allows Montana's public schools to enroll children under the age of 5 in a kindergarten program when it is determined by the Board that the statutory "exceptional circumstances" criteria are met on an individualized basis and/or when there is data to support demographic characteristics that meet the criteria stated in the policy. As noted in the Model Policy, Districts are prohibited from using this policy to provide what is otherwise characterized or referred to as a pre-school program. We wanted to get this Model Policy out to our members so that you have time to discuss for possible adoption prior to the start of school in the fall. Please pay particular attention to the notes included in the policy for guidance on the consideration of this Model Policy.

Through our collaboration with OPI, we have an assurance from OPI that they will recognize students enrolled under this policy for purposes of ANB related funding in accordance with Montana law. A big "Thank You" to Dennis Parman, Assistant Superintendent of Public Instruction, and to the OPI staff for their work on this.

If you have any questions regarding this policy, please contact Joe Brott or Debra Silk. You should also plan on attending MTSBA's 3rd Annual Negotiations and Policy Symposium in Helena on July 21 and 22 as we will be discussing this policy as part of this training.

Policy 3100, Student Enrollment, Exceptional Circumstances Meriting Waiver of Age Requirements for Pupils, is attached.

[School District]

3100

STUDENTS

Adopted on:

Reviewed on:

Revised on:

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***Prohibition:** This policy cannot be used to provide what is otherwise characterized or referred to as a pre-school, pursuant to 20-7-117(2), MCA, which specifically prohibits the use of state equalization aid for preschool. This policy is intended for use to enroll students under the age of 5 when statutory criteria are met.*

Student Enrollment, Exceptional Circumstances Meriting Waiver of Age Requirements for Pupils

***Note:** In order to adopt this policy, the board of trustees must select one or more of the characteristics identified in either Option A or Option B.*

The administration shall ensure admission, enrollment and assignment of all qualifying children referenced in this policy. The administration shall place children enrolled pursuant to this policy in either a half-time or full-time kindergarten program as an integral part of the elementary school program. The administration shall also ensure provision of a free appropriate public education in the least restrictive environment possible, pursuant to terms of each student's individualized education program, for all children enrolled under this policy who are qualified for services under the Individuals with Disabilities Education Act.

The administration shall include children enrolled pursuant to this policy in the district's calculation of average number belonging (ANB) as reported to OPI.

***Option A, Student-Specific Exceptional Circumstances:** To be used when the board of trustees wants to define exceptional circumstances specific to the individual characteristics of each student or subgroup of students.*

The Board of Trustees declares the following to be qualifying "exceptional circumstances" within the meaning of that term as used in 20-5-101(3), that merit waiving the age provisions of 20-5-101(1), MCA for qualifying children under 6 years of age:

***Note:** Each of the below should be considered separately for inclusion or exclusion in the Board's adopted policy. Note: When enrolling on the basis of an individual student's characteristics under this Option A, the District must be sure to document each qualifying student's characteristics to ensure that criteria listed in this portion of the policy can be substantiated.*

1. A child at least 3 years of age with a disability qualifying the child for services under the federal Individuals with Disabilities Education Act.
2. A child who is 4 years of age or older on or before September 10 of the school year in which enrollment is to occur who:
 - a. Meets the income eligibility guidelines for free or reduced price meals under the National School Lunch Program;
 - b. Is Limited English Proficient within the meaning of Title III of the federal Elementary and Secondary Education Act;

- c. Is Gifted and Talented within the meaning of that term as used in 20-7-901, MCA;
- d. Is an enrolled member of a federally recognized American Indian Tribe;
- e. Is homeless as defined in 42 U.S. Code § 11302, or, as determined by the administration, exhibits other characteristics or lives in circumstances that are uncommon, unusual, atypical, rare or otherwise distinguished from ordinary or typical which place the child at risk of failing to achieve at adequate levels.

Option B, Exceptional Circumstances Present in the Community: To be used only for in-district students or homeless students under the McKinney Homeless Assistance Act when the board of trustees wants to define exceptional circumstances applicable to the community's characteristics, as opposed to the individual characteristics of a particular student or sub-group of students.

The Board of Trustees declares the following to be qualifying "exceptional circumstances" within the meaning of that term as used in 20-5-101(3), that merit waiving the age provisions of 20-5-101(1), MCA for children under 6 years of age who are either 4 years of age or older on or before September 10 of the school year in which enrollment is to occur or who are at least 3 years of age with a disability qualifying the child for services under Section 504 of the Federal Rehabilitation Act of 1973 or the federal Individuals with Disabilities Education Act.

Note: Each of the below should be considered separately for inclusion or exclusion in the Board's adopted policy. When enrolling on the basis of demographic characteristics of the community under this Option B, The District must be sure to research and document all of the criteria incorporated into the school district's policy that is used to enroll on the basis of exceptional circumstances.

1. Homeless rates of the district's pupils in comparison to statewide averages;
2. Percentage of the district's pupils qualifying for services under Section 504 of the Federal Rehabilitation Act of 1973 or the federal Individuals with Disabilities Education Act in comparison to statewide averages;
3. Percentage of the district's pupils eligible for free or reduced lunch in comparison to statewide averages;
4. Average performance on standardized tests at the 3rd grade level in comparison to statewide averages;
5. Percentage of the district's pupils who are enrolled members of a federally recognized American Indian Tribe in comparison to statewide averages;

Legal Reference:

§ 20-5-101, MCA	Admittance of child to school
§ 20-6-501, MCA	Definition of various schools
§ 20-7-117, MCA	Kindergarten and preschool programs
§ 20-9-309, MCA	Basic system of free quality public elementary and secondary schools defined
Individual with Disabilities Act	Federal Rehabilitation Act of 1973
National School Lunch Act (Public Law 396, 79 th congress, chapter 281, 2 nd session)	
Title III, ESEA (English language Acquisition, language Enhancement, and Academic Achievement Act)	
McKinney-Vento Homeless Assistance Act of 1987 (Pub. L. 100-77, July 22, 1987, 101 Stat. 482, U.S.C. § 11301 et seq.	

[School District]

Adopted on:
Reviewed on:
Revised on:

3100P

STUDENTS

Student Enrollment, Exceptional Circumstances Meriting Waiver of Age Requirements for Pupils

When implementing Board Policy 3100, the District shall follow these procedures:

1. The administration shall review the criteria set forth in the Policy 3100 and make the preliminary determination whether an individual student or class of students meets the criteria for exceptional circumstances set forth therein;
2. The administration shall notify the parent(s)/legal guardian(s) of the administration's recommendation to the Board regarding the enrollment of the student(s) under the exceptional circumstances meriting waiving of the age requirements;
3. The administration shall present the information to the Board for approval within ____ days of making the preliminary determination;
4. In presenting the information to the Board, the administration shall either: (1) remove all identifying information about the student(s) when presenting the information to the Board in order to protect the privacy rights of the student under state and federal law, or (2) provide the name(s) of the students(s) to the Board in a closed session with notice to the parent(s)/legal guardian(s) that he/she/they have the right to attend the closed session; and
5. The Board shall make the final decision on the enrollment of students under the District's exceptional circumstances policy.

The trustees shall annually review this policy and procedure based on changing circumstances pertaining to the criteria used for determination of the program.

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20-5-101. Admittance of child to school. (1) The trustees shall assign and admit a child to a school in the district when the child is:

(a) 6 years of age or older on or before September 10 of the year in which the child is to enroll but is not yet 19 years of age;

(b) a resident of the district; and

(c) otherwise qualified under the provisions of this title to be admitted to the school.

(2) The trustees of a district may assign and admit any nonresident child to a school in the district under the tuition provisions of this title.

(3) The trustees may at their discretion assign and admit a child to a school in the district who is under 6 years of age or an adult who is 19 years of age or older if there are exceptional circumstances that merit waiving the age provision of this section. The trustees may also admit an individual who has graduated from high school but is not yet 19 years of age even though no special circumstances exist for waiver of the age provision of this section.

(4) The trustees shall assign and admit a child who is homeless, as defined in the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77), to a school in the district regardless of residence. The trustees may not require an out-of-district attendance agreement or tuition for a homeless child.

(5) Except for the provisions of subsection (4), tuition for a nonresident child must be paid in accordance with the tuition provisions of this title.

(6) The trustees' assignment of a child meeting the qualifications of subsection (1) to a school in the district outside of the adopted school boundaries applicable to the child is subject to the district's grievance policy. Upon completion of procedures set forth in the district's grievance policy, the trustees' decision regarding the assignment is final.

History: En. 75-6302 by Sec. 115, Ch. 5, L. 1971; R.C.M. 1947, 75-6302; amd. Sec. 2, Ch. 334, L. 1979; amd. Sec. 2, Ch. 558, L. 1979; amd. Sec. 74, Ch. 575, L. 1981; amd. Sec. 1, Ch. 120, L. 1989; amd. Sec. 1, Ch. 214, L. 1995; amd. Sec. 1, Ch. 374, L. 2007; amd. Sec. 1, Ch. 128, L. 2013.

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20-7-117. Kindergarten and preschool programs. (1) The trustees of an elementary district shall establish or make available a kindergarten program capable of accommodating, at a minimum, all the children in the district who will be 5 years old on or before September 10 of the school year for which the program is to be conducted or who have been enrolled by special permission of the board of trustees. The kindergarten program, which the trustees may designate as either a half-time or full-time program, must be an integral part of the elementary school and must be financed and governed accordingly, provided that to be eligible for inclusion in the calculation of ANB pursuant to [20-9-311](#), a child must have reached 5 years of age on or before September 10 of the school year covered by the calculation or have been enrolled by special permission of the board of trustees. A kindergarten program must meet the minimum aggregate hour requirements established in [20-1-301](#). A kindergarten program that is designated as a full-time program must allow a parent, guardian, or other person who is responsible for the enrollment of a child in school, as provided in [20-5-102](#), to enroll the child half-time.

(2) The trustees of an elementary school district may establish and operate a free preschool program for children between the ages of 3 and 5 years. When preschool programs are established, they must be an integral part of the elementary school and must be governed accordingly. Financing of preschool programs may not be supported by money available from state equalization aid.

History: En. 75-7507 by Sec. 378, Ch. 5, L. 1971; amd. Sec. 3, Ch. 345, L. 1973; R.C.M. 1947, 75-7507; amd. Sec. 3, Ch. 334, L. 1979; amd. Sec. 68, Ch. 370, L. 1987; amd. Sec. 1, Ch. 399, L. 1991; amd. Sec. 11, Ch. 1, Sp. L. May 2007.

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